

UNITED STATES DISTRICT COURT
Eastern District of New York

Steven McCune

- v -

County of Suffolk, et. al.

Presiding Judge: **Joanna Seybert, Senior U.S.D.J.**Case No(s): **14-cv-4431-JS-ST**Date: **1/5/2023**Time in Court: **2:10 (23 mins.)**

MINUTE ENTRY FOR A CIVIL PROCEEDING

SEALED PROCEEDING: ☐ Yes ☒ No

I. APPEARANCES:

Plaintiff : **Frederick K. Brewington, Esq.**

Court Reporter:

FTR Time: **2:10 - 2:33**Defendant : **Arlene Zwilling, Esq.**Courtroom Deputy: **Eric L. Russo**

II. PROCEEDINGS HELD:

- | | | |
|---|---|---|
| <input type="checkbox"/> Discovery Conference | <input type="checkbox"/> Initial Conference | <input type="checkbox"/> Pre-Motion Conference |
| <input type="checkbox"/> Evidentiary Hearing | <input type="checkbox"/> Motion Hearing | <input checked="" type="checkbox"/> Status/Pre-Trial Conference |
| <input type="checkbox"/> Fairness Hearing/Settlement Conference | <input type="checkbox"/> Preliminary Injunction Hearing | <input type="checkbox"/> Show Cause Hearing |

☒ Other: Proceedings held via the Court's teleconferencing system.

III. PROCEEDINGS SUMMARY:

- ☐ Initial Conference held.
- ☐ The parties summarized the details of the case.
- ☐ The parties were directed to file a proposed discovery schedule on or before _____.
- ☐ The Court adopted the joint proposed discovery schedule ☐ in its entirety; ☐ with revisions.
- ☐ The discovery schedule:
- ☐ will be entered under a separate order pursuant to the conference held.
- ☐ was set as follows:
- ☐ Exchange of Rule 26(a)(1) disclosures: _____
- ☐ Service of first interrogatories and document demands: _____
- ☐ Responses to first interrogatories and document demands: _____
- ☐ Motions to join new parties or amend the pleadings: _____
- ☐ Meet/confer regarding Rule 30(b)(6) depositions: _____
- ☐ Completion of all fact depositions: _____
- ☐ Identification of case-in-chief experts and service of Rule 26 disclosures: _____
- ☐ Identification of rebuttal experts and service of Rule 26 disclosures: _____
- ☐ Completion of all discovery, fact and expert: _____
- ☐ Commencement of summary judgment motion practice: _____
- ☐ The Court respectively refers all remaining discovery matters to Magistrate Judge _____.
- ☐ See Section IV for additional details and/or rulings.

- ☐ Discovery Conference held.
- ☐ The parties advised the Court of the status of discovery in this case.
 - ☐ The parties were directed to file a proposed amended discovery schedule on or before _____.
 - ☐ The Court adopted the joint proposed amended discovery schedule ☐ in its entirety; ☐ with revisions.
 - ☐ The discovery schedule:
 - ☐ will be amended and entered under a separate order pursuant to the conference held.
 - ☐ was amended as follows:
 - ☐ Exchange of Rule 26(a)(1) disclosures: _____
 - ☐ Service of first interrogatories and document demands: _____
 - ☐ Responses to first interrogatories and document demands: _____
 - ☐ Motions to join new parties or amend the pleadings: _____
 - ☐ Meet/confer regarding Rule 30(b)(6) depositions: _____
 - ☐ Completion of all fact depositions: _____
 - ☐ Identification of case-in-chief experts and service of Rule 26 disclosures: _____
 - ☐ Identification of rebuttal experts and service of Rule 26 disclosures: _____
 - ☐ Completion of all discovery, fact and expert: _____
 - ☐ Commencement of summary judgment motion practice: _____
 - ☐ The Court respectively refers all remaining discovery matters to Magistrate Judge _____.
 - ☐ See Section IV for additional details and/or rulings.
- ☒ Pre-Motion Conference/Status Conference/Pre-Trial Conference held.
- ☐ The parties presented their oral arguments to the Court regarding the proposed motion(s).
 - ☒ The parties advised the Court of the status of this case.
 - ☐ The following briefing schedule was set as to _____:
 - ☐ _____ due by _____.
 - ☐ _____ due by _____.
 - ☐ _____ due by _____.
 - ☐ _____ due by _____.
 - ☐ The parties were directed to file a proposed briefing schedule on or before _____.
 - ☐ The parties agreed to file fully briefed motion(s) on or before _____.
 - ☐ The Movant(s) shall provide the Court with courtesy copies of the fully-briefed motion(s).
 - ☐ The individual parties shall provide the Court with courtesy copies of their individual submissions.
 - ☐ The Court respectively refers the motion(s) to Magistrate Judge _____:
 - ☐ for purposes of submitting a Report and Recommendation for this Court's consideration.
 - ☐ to rule on the motion(s) in its entirety.
 - ☐ The Court accepted the proposed Joint Pre-Trial Order ☐ in its entirety; ☐ with revisions.
 - ☐ The Court deemed this case ready for trial.
 - ☐ The parties were directed to file the following jury selection/pre-trial documents:
 - ☐ Exhibits and witness list by: _____.
 - ☐ Proposed voir dire and/or case summary by: _____.
 - ☐ Proposed request to charge and verdict sheet by: _____.
 - ☒ See Section IV for additional details and/or rulings.

- ☐ Evidentiary Hearing/Motion Hearing held regarding _____.
- ☐ The parties presented their oral arguments to the Court.
 - ☐ Witness(es) were called ☐ for the _____; ☐ for the _____.
 - ☐ Exhibits were entered into evidence.
 - ☐ The Court made the following ruling(s):
 - ☐ Motion granted as to _____.
 - ☐ Motion denied as to _____.
 - ☐ Motion granted, in part, and denied, in part, as to _____.
 - ☐ Motion found as moot as to _____.
 - ☐ Decision reserved on _____.
 - ☐ The Court's decision ☐ was entered on the record; ☐ will be entered under a separate order.
 - ☐ See Section IV for additional details and/or rulings.
- ☐ Fairness Hearing/Settlement Conference held.
- ☐ Settlement negotiations took place between the Court and the parties, individually (*off the record*).
 - ☐ The parties outlined the details of the settlement agreement.
 - ☐ No party(ies) appeared opposing settlement.
 - ☐ Objections to the proposed settlement were heard.
 - ☐ The Court made the following ruling(s):
 - ☐ Motion granted as to the ☐ Motion for Settlement Approval; ☐ Motion for Attorney Fees.
 - ☐ Motion denied as to the ☐ Motion for Settlement Approval; ☐ Motion for Attorney Fees.
 - ☐ Motion granted, in part, and denied, in part, as to the ☐ Motion for Settlement Approval; ☐ Motion for Attorney Fees.
 - ☐ Motion found as moot as to the ☐ Motion for Settlement Approval; ☐ Motion for Attorney Fees.
 - ☐ Decision reserved on the ☐ Motion for Settlement Approval; ☐ Motion for Attorney Fees.
 - ☐ The Court's decision ☐ was entered on the record; ☐ will be entered under a separate order.
 - ☐ See Section IV for additional details and/or rulings.
- ☐ Preliminary Injunction Hearing held.
- ☐ The parties presented their oral arguments to the Court.
 - ☐ Witness(es) were called ☐ for the _____; ☐ for the _____.
 - ☐ Exhibits were entered into evidence.
 - ☐ The Court made the following ruling(s):
 - ☐ Motion granted as to the ☐ Motion for Preliminary Injunction; ☐ Motion for Temporary Restraining Order.
 - ☐ Motion denied as to the ☐ Motion for Preliminary Injunction; ☐ Motion for Temporary Restraining Order.
 - ☐ Motion granted, in part, and denied, in part, as to the ☐ Motion for Preliminary Injunction; ☐ Motion for Temporary Restraining Order.
 - ☐ Motion found as moot as to the ☐ Motion for Preliminary Injunction; ☐ Motion for Temporary Restraining Order.
 - ☐ Decision reserved on the ☐ Motion for Preliminary Injunction; ☐ Motion for Temporary Restraining Order.
 - ☐ The Court's decision ☐ was entered on the record; ☐ will be entered under a separate order.
 - ☐ See Section IV for additional details and/or rulings.
- ☐ Show Cause Hearing held.
- ☐ The parties presented their oral arguments to the Court.
 - ☐ Witness(es) were called ☐ for the _____; ☐ for the _____.
 - ☐ Exhibits were entered into evidence.
 - ☐ The Court's decision ☐ was entered on the record; ☐ will be entered under a separate order; ☐ was reserved.
 - ☐ See Section IV for additional details and/or rulings.

IV. OTHER RULINGS MADE DURING THE PROCEEDINGS:

☐ The record of this proceeding was deemed sealed. Transcripts of this proceeding can be made available to the Court and the parties listed above, only.

☒ Other:

- For the reasons stated on the record, and on consent of all parties, the County of Suffolk Police Department defendant is terminated from this action. Plaintiff's counsel is directed to advise the Court as to whether the Plaintiff wishes to proceed against defendants Police Officer Michael S. Turansky and Police Officer John A. Vohs.

V. FURTHER PROCEEDINGS SET:

☐ No further conferences or hearings have been set at this time.

☐ Bench Trial: _____ at _____ before Judge _____.

☐ Discovery Conference: _____ at _____ before Judge _____.

☐ Evidentiary Hearing: _____ at _____ before Judge _____.

☐ Fairness Hearing: _____ at _____ before Judge _____.

☐ Jury Selection: _____ at _____ before Judge _____.

☐ Jury Trial: _____ at _____ before Judge _____.

☐ Motion Hearing: _____ at _____ before Judge _____.

☐ Preliminary Injunction Hearing: _____ at _____ before Judge _____.

☐ Pre-Motion Conference: _____ at _____ before Judge _____.

☐ Pre-Trial Conference: _____ at _____ before Judge _____.

☐ Settlement Conference: _____ at _____ before Judge _____.

☐ Show Cause Hearing: _____ at _____ before Judge _____.

☒ Status Conference: 2/2/2023 at 9:00 AM before Judge Joanna Seybert in Courtroom 1030.

☐ Other instructions regarding the proceedings set: